

APPEAL NO. 020642  
FILED APRIL 16, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 11, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable repetitive trauma injury; that the date of injury under Section 408.007 is \_\_\_\_\_; and that the claimant failed, without good cause, to timely notify his employer of his claimed injury. The claimant appealed the injury and notice determinations and the respondent (carrier) responded. There is no appeal of the determination on the date of injury.

DECISION

The hearing officer's decision is affirmed.

The claimant claimed a repetitive trauma injury from performing his work activities as a cook. Section 401.011(36) defines a "repetitive trauma injury" as "damage or harm to the physical structure of the body occurring as the result of repetitious, physically traumatic activities that occur over time and arise out of and in the course and scope of employment." Conflicting evidence was presented on this issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Conflicting evidence was also presented on the issue of whether the claimant timely reported his injury under Section 409.001(a). The hearing officer resolved the conflicts in the evidence by determining that the claimant did not sustain a repetitive trauma injury and that the claimant failed, without good cause, to timely report his injury to his employer. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Chris Cowan  
Appeals Judge